

MEMORANDUM

To: Councilmember Tom Rasmussen, Chair, HHS&H Committee
Councilmember Sally Clark
Councilmember Richard McIver

From: Diane Sugimura, Director
Karen White, Code Compliance Director

Date: March 14, 2006

Subject: DPD Code Enforcement Quarterly Report

The Department of Planning and Development (DPD) has been requested to provide quarterly reports to the Housing, Human Services and Health Committee, on our department's work related to housing – code enforcement and housing development. For this first report, we will primarily provide an overview of the code enforcement program.

Background: Organization of the Code Compliance Division

Housing and Zoning Inspections: This unit includes 13.5 inspectors (including 2 senior inspectors and 1 shoreline inspector) and 2 inspector supervisors. Senior inspectors concentrate on unfit buildings and premises, condo conversion inspections and complex enforcement issues (such as those involving multiple agencies). Examples of the most common violations:

- Substandard rental housing conditions;
- Illegal dwelling units;
- Vacant buildings not meeting standards;
- Junk storage in residential zones;
- Parking (too many vehicles, where parked);
- Shoreline violations;
- Violations of home occupation requirements;
- Existing uses not allowed in a zone or without proper use permit;
- Buildings or premises unfit for human habitation; and
- Vegetation overgrowth into right-of-way from private property.

Construction Complaint Support: This unit includes two positions, who work closely with the construction and site inspectors in the Operations Division. Primary functions include:

- Assist citizens with construction-related complaints; and
- Manage violation cases involving building, electrical and site-development issues (grading, vegetation clearing, environmentally critical areas, side sewer).

Property Owner/Tenant Assistance Unit: This unit is composed of one supervisor and two part-time staff. Primary functions include:

- Enforce Just Cause Eviction Ordinance for residential tenants;
- Administer and enforce Tenant Relocation Assistance Ordinance for residential tenants forced to move by development activity; and
- Respond to citizen calls for assistance with landlord/tenant issues, which are often beyond DPD's jurisdiction.

Enforcement Facilitation Unit: This unit includes two professional positions, and one clerical. Primary functions include:

- Assist Law Department with enforcement litigation by assuring that our case documentation is adequate, preparing declarations, motions, settlement agreements and other legal documents, negotiating compliance and settlement terms, and assisting at pre-trial settlement hearings and trials.
- Represent DPD before the Hearing Examiner (44 citation hearings in 2005);
- Perform research related to claims filed against the City; and
- Manage complex public disclosure requests.

Overview of Complaint and Enforcement Process

The DPD Code Compliance program primarily responds to reported violations received from citizens and a variety of public agencies, such as the Fire and Police departments. The program is not designed as a proactive program and therefore we do not seek out violations.

The table below shows the number of reported violations received in 2005 by category of issue. These numbers are generally fairly consistent from year to year.

Summary of Violation Complaints in 2005			
Complaint Category	Number	% of total	% with violation confirmed
Zoning (incl. shoreline)	1388	33 %	63 %
Construction	1130	26 %	43 %
Vegetation overgrowth	936	22 %	60%
Housing	391	9 %	49 %
Vacant building monitoring	216	5 %	75 %
Unfit buildings	15	< 1 %	53 %
Noise	222	5 %	n/a*
Total	4298	100 %	53 %

* Noise complaint response is handled in the Operations Division

When we confirm that a violation exists, we usually issue a warning to the responsible property owner (and sometimes a tenant or business operator) to allow voluntary compliance. A significant number of violations are resolved after issuance of a warning. We do not issue warnings when we have had recent prior violations involving the same property owner, however. If compliance is not achieved after a warning, we issue either a Notice of Violation or a citation, depending on the relevant code provision. A Notice of Violation (NOV) is a formal way of setting a time frame for compliance; daily fines start to apply after failure to comply within that time frame. To collect the fines associated with a NOV, the City initiates a civil lawsuit against the responsible party in Municipal Court. A citation is more like a traffic or parking ticket; as soon as a citation is issued, a fine is levied for having committed the violation. The party who receives a citation can appeal it to the Hearing Examiner to reduce the fine or to argue that they are not responsible for the violation.

Because of the constraints of the legal system, it can take a long time to resolve some violation cases which have significant negative impacts on surrounding properties. Neighbors often are frustrated by what appears to be inaction on the part of the City as a case is litigated and they see no tangible improvement. In addition, some violators will clean up or cease a violation in response to a notice, only to repeat the violation a short while later. Repeat violations are relatively common for issues such as illegal dwelling units, parking in required yards at residential properties, vehicle repairs in residential zones, and junk storage.

We also perform requested inspections, for a fee, such as inspection of rental housing structures which are being converted to condominiums, or when a property owner wishes to demolish a residential building in poor condition but is not ready to seek permits for a replacement use. These are generally requested by the property owner. As we've reported to the Urban Development and Planning Committee, 2005 saw a very large increase in requested condo conversion inspections (1551 units inspected, as compared to 345 units inspected in 2004). This required a significant amount of our senior inspector resources, and greatly reduced the time available for abating unfit buildings or work on other difficult enforcement cases.

Enforcement Issues and Challenges

There are a number of issues with a complaint-based program. Different properties with similar conditions may be treated differently if we receive a complaint about one but not another, for instance. In addition, we believe that cultural and language barriers or fear of loss of housing, prevent some citizens from reporting problems. Of special concern is the likelihood that serious substandard housing conditions are not reported by tenants who are immigrants, very low income, or mentally ill or otherwise more vulnerable to risk of homelessness, abuse or intimidation.

Finally, we receive reports of violations within buildings that we cannot observe or confirm if we are not able to obtain entry to the premises from either tenants or from the

property owner or manager. We do not have the ability to obtain administrative inspection warrants for making code enforcement inspections.

Housing Statistics

In 2005, the net (new units minus demolitions) residential unit count was 4,902, the second highest year since 1984 when we started keeping such statistics. The year 2000 was higher. Recent years have also seen an increase in housing demolition, a number of which were related to the Seattle Housing Authority Hope VI projects.